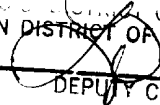


FILED

DEC 19 2002

CLERK, U.S. DISTRICT COURT,
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION

MICHAEL DEAN GONZALES,
Petitioner

v.

JANIE COCKRELL, Director,
Texas Department of Criminal Justice,
Institutional Division,
Respondent

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MO-99-CA-072
CAPITAL HABEAS

FINAL JUDGMENT

On this day the Court entered an Order granting Respondent's Partial Motion for Summary Judgment and granted Petitioner Michael Dean Gonzales a new sentencing hearing, based, in part, on Respondent's Notice of Error. The Court now enters its Final Judgment pursuant to Federal Rule of Civil Procedure 58.

Accordingly, **IT IS HEREBY ORDERED** that Respondent's Partial Motion for Summary Judgment be **GRANTED**. The jury verdict and judgment as to conviction therefore remain in full force and effect. To this extent, Petitioner's Application for Writ of Habeas Corpus is **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that Petitioner's Writ of Habeas Corpus as to all sentencing issues is **GRANTED** and thus that Michael Dean Gonzales' sentence of death is **VACATED**.

IT IS FURTHER ORDERED that Petitioner Michael Dean Gonzales is **GRANTED** a **NEW SENTENCING HEARING** and this cause is **REMANDED** to the 358th District Court of Odessa, Ector County, Texas.

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IT IS FURTHER ORDERED that the **STAY OF EXECUTION** shall remain in effect until
Petitioner is re-sentenced.

IT IS FINALLY ORDERED that all other pending motions, if any, are **DENIED AS**
MOOT.

Signed on this 19th day of **December, 2002.**

A handwritten signature in cursive script, reading "Royal Furgeson", is written over a horizontal line.

ROYAL FURGESON
United States District Judge
Western District of Texas